

Appl. No. 10/564,824

**Remarks/Arguments**

This application has been carefully reviewed in light of a Final Office Action mailed June 2, 2008, and a telephone interview with the Examiner which was conducted August 26, 2008. The undersigned attorney appreciates and thanks the Examiner for the allowance of the interview after the issuance of the Final Office Action. It is believed that the amendments being presented herein to the claims is in keeping with what was indicated as possibly placing the application in condition for allowance by further distinguishing the invention over what is taught in the combination of references cited in the Office Action.

Claims 1-9 and 11-17 have been rejected under 35 U.S.C. 103(a) as being obvious and therefor unpatentable over Beyaert, US Patent 6,009,918, when considered in view of the teachings of Baumann et al, US Patent 6,883,554. For the reasons discussed with the Examiner during a telephone interview, reconsideration of this rejection and favorable consideration and allowance of the claims is requested.

The reference to Beyaert discloses a heald frame wherein at least one heald is provided that engages at least one catching member that is mounted to at least one cross member of the frame. Further, the reference discloses that a damping member or inset may be used that is engageable by portions of one end of the at least one heald as the heald is vertically oscillated. The structure is similar to the prior art discussed in the Brief Description of the Related Art portion of the present application, see page 1, beginning at line 31, as only a single damping member is provided that is engageable with only one end portion of the heald. Thus, the heald and the cross members are still subject to being vibrated when engaged and *there is no suggestion or teaching of the inventive concept of the present invention to the effect of providing a heddle structure wherein each of the first and second ends of a heald have a compression zone and a traction zone that are spaced relative to one another, at least one damping means and catching members, such that when the frame is in a stationary state and when the heald is substantially rectilinear, a compression zone of a first end of the heald bears against an opposing area of contact of at least one damping means simultaneously as a traction zone of a second end of the heald bears against an opposing area of contact of a first adjacent catching member.*

The Examiner has noted in the Final Office Action that "Beyaert does not show damping elements that provide 'simultaneous engagement' between a compression and traction zone on first and second ends of the heddle as defined by applicant." In this respect, the Examiner states that the reference to Baumann et al does disclose damping elements 4 and 4' that are used to greatly reduce stresses in the heddle frame due to machine vibrations and that it would be obvious to place such damping elements external to the heald of Beyaert in order to greatly reduce stresses to the heddle frame and weaving loom due to machine vibrations.

During the interview it was discussed that even if one were to place the damping elements 4 and 4' of Baumann et al on the Beyaert dampening system, *there would be no teaching or suggestion that the spacing between a compression zone and a traction zone of each of first and second ends of the heald and the damping elements and catching member would cause simultaneous points of contact between the compression zone of one end of the heald and a damping element and between the traction zone of the other end of the heald and an adjacent catching member, as is the case with the present invention.*

As correctly pointed out by the Examiner, the damping elements 4 and 4' of Baumann et al are engageable by the opposite ends of the heald and are provided to protect wear on the heddle frame, however, the patent teaches, as set forth at column 6 beginng at line 26 "The contact of heddle end 21 of damping element 4, as shown in FIG. 4, occurs when valus k is greater that 0, which means that outer stop 25' of heddle eye 20' does not come into contact with outer edge 24' of heddle support rail 2'." As shown in FIG. 4 of the reference, when compression end 21 of the heddle 3 engages damping element 4, the traction end at 20' is space at a distance k, greater than 0, from a bearing surface against which the end 20 may come into engagement. The Examiner's attention is also directed to FIG. 5 of the reference wherein, when the upper bar 2 comes into contact with the upper end of the heddle 3, the lower end of the heddle is spaced at a distance  $d > 0$  from the damping means 4', see the discussion at line 35 of column 6 of the patent. Thus, the spacing between the compression surfaces, traction surfaces, damping elements and the catching elements in Baumann is not such as to have the simultaneous two opposing areas of contact, as is taught by the present invention. In view of the foregoing, the inclusion of damping elements 4 and 4' in Beyaert does not result

Appl. No. 10/564,824

in such a relationship especially wherein Bowmann et al teaches that it is necessary to create spaces "d" and "k" that must be greater than zero.

Both claims 1 and 14 of the present application have been amended to specify the areas which are being simultaneously contacted in opposing relationship with one another as suggested by the Examiner. It is therefore respectfully submitted that the claims are now clearly distinguishable over the prior art combination. The use of the term "engage" has been deleted as being too broad as the Examiner point out that the inner fitted relationship of the rails 2 and 2' with the opposite ends of the heddle in the reference could be considered as a technical "engagement."

As the present invention causes both of the ends of the heald to bear against areas of contact of an opposing catching member or damping element carried by a catching or cross member, at the same time, vibrations and bending of the cross members and wear on the healds is substantially reduced. In view of the foregoing, it is respectfully requested that claims 1-9 and 11-17 should be in condition for allowance and thus favorable consideration and allowance of the claims is solicited. It is

Appl. No. 10/564,824

believed that this amendment should be entered after the Final Office Action as it does not raise new issues that would require further searching by the Examiner and as the amendment places the claims in condition for allowance.

Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney of record at the telephone number provided below for purposes of facilitating the further prosecution of this application.

Respectfully submitted,

DOWELL & DOWELL, P.C.

By  \_\_\_\_\_

Ralph A. Dowell  
Reg. No. 26,868  
Date: September 2, 2008

Customer Number 000293  
DOWELL & DOWELL, P.C.  
Suite 406, 2111 Eisenhower Ave.  
Alexandria, VA 22314  
Telephone - 703 415-2555  
Facsimile - 703 415-2559  
E-mail - [dowell@dowellpc.com](mailto:dowell@dowellpc.com)